

REMARKS

Applicant has reviewed the Office Action mailed May 5, 2004 and offers the following remarks to accompany the above amendments.

Initially, Applicant amends the specification to provide the missing serial numbers and filing dates for the related matters. No new matter is added. Applicant further amends the specification to insert a "tab" on page 3. Again, no new matter is added, but the paragraph is more clearly denoted. Applicant requests withdrawal of the objection to the specification.

Applicant adds new claims 47-50 which recite further clarification of application layer support. Support for these new claims can be found at page 7, lines 5-6; page 13, lines 13-14; and page 13, lines 28-30. No new matter is added.

Before turning to the rejections proper, Applicant provides a brief summary of the present invention so that the remarks are considered in the proper context. The present invention is designed to distribute application layer support throughout routing nodes in a communication network. Application layers, to someone of ordinary skill in the art, are very distinct from "next hop" type services (see specification, page 1, line 32-page 2, line 13, which compare and contrast the two concepts). Application layers are usually found in layers 4 and higher within the TCP/IP protocol stack. As such, the content that is acted upon by such application layers is found in the payload of the packet rather than in the header. In contrast, "next hop" type handling operates on or manipulates the header. The present invention distributes the load of application processing amongst the nodes capable of such activity by determining the current load of the nodes and assigning new connections in such a manner that the load is distributed evenly.

Claims 1-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by Denecheau et al. (hereinafter "Denecheau"). Applicant respectfully traverses. For the Patent Office to prove anticipation, the Patent Office must show where each and every element is located within the reference. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. When construing a claim term, the Patent Office is entitled to give claim terms their broadest reasonable interpretation. There are effectively two limitations on this entitlement. First, the interpretation is from the point of view of someone of ordinary skill in the art, and second, the interpretation must be reasonable. MPEP § 2111.

As mentioned above, the present invention is designed to distribute application layer processing. The claims all recite some variation of application level support and/or processing

for application level support. The Patent Office opines that element is shown by Denecheau at col. 6, line 66-col. 7, line 20. Applicant respectfully traverses this assertion. The cited passage describes the "next hop" function which Applicant has specifically contrasted against the application level processing of the present invention. Under no reasonable interpretation of application level support would someone of ordinary skill in the art construe application level support to encompass the "next hop" functionality described in Denecheau. As such, the reference does not show the element for which it is cited and cannot anticipate the claims. Applicant's newly added claims 47-50 further highlight this distinction. While the cited reference shows distributing "next hop" functionality, the reference clearly does not teach or suggest IPsec, SSL, layer 4 and higher processing or manipulating the payload as recited in the claims.

Applicant requests reconsideration of the rejection in light of the remarks and new claims presented herein and claim allowance at the Examiner's earliest convenience.

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Respectfully submitted,

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